



131

June 24, 1946

UNCLASSIFIED

MEMORANDUM FOR THE ADVISORY COMMITTEE ON INTELLIGENCE:

From: SA-L William L. Langer

Subject: An Analysis of the Proposed Redefinition of the
Functions of the Director of Central Intelligence.

1. The Director of Central Intelligence has proposed that the National Intelligence Authority issue a directive redefining his functions, which were defined originally in the President's letter of January 22, 1946. The proposed redefinition of the functions of the Director of Central Intelligence raises several basic problems with respect to the organization and functions of the Department of State.

2. Documents bearing upon this matter are attached, as follows:

a. The President's letter of January 22, 1946 (TAB A).

b. NIA Directives Nos. 1 and 2 (TAB B).

c. Memorandum by the Director of Central Intelligence dated June 20, 1946, designated CIG 10 (TAB C), to which are attached the following documents:

(1) Enclosure: Draft of report by the Director of Central Intelligence proposed for the unanimous concurrence of the Intelligence Advisory Board.

(2) Appendix "A": Draft of proposed NIA directive, entitled "Functions of the Director of Central Intelligence."

(3) Appendix "B": Discussion by the Director of Central Intelligence of the proposed NIA directive.

UNCLASSIFIED

UNCLASSIFIED

INT 898/2

3. a. Paragraphs 3a and 6 of the President's letter of January 22, 1946, read as follows:

"3. Subject to the existing law, and to the direction and control of the National Intelligence Authority, the Director of Central Intelligence shall:

"a. Accomplish the correlation and evaluation of intelligence relating to the national security, and the appropriate dissemination within the Government of the resulting strategic and national policy intelligence. In so doing, full use shall be made of the staff and facilities of the intelligence agencies of your departments.

"6. The existing intelligence agencies of your departments shall continue to collect, evaluate, correlate and disseminate departmental intelligence."

b. The proposed NIA directive redefining those functions reads as follows:

"In performing the functions specified in paragraph 3a of the President's letter, the Director of Central Intelligence is hereby authorized to undertake such basic research and analysis of intelligence and counter-intelligence information as may in his opinion be required to produce the necessary strategic and national policy intelligence. This will include the centralization of research and analysis activities of common intelligence interest to more than one agency when, in the opinion of the Director of Central Intelligence, such activities can be more efficiently performed centrally. Under such procedure, existing organizations of the State, War and Navy Departments, including their funds, personnel and facilities, performing those functions, will be integrated into the Central Intelligence Group as a central service to all intelligence agencies subject to N.I.A. coordination."

c. The following considerations have a bearing upon the scope and implications of the redefinition of functions thus proposed:

-2-

UNCLASSIFIED

614

UNCLASSIFIED

INT 688/3

(1) The proposed directive extends the authority of the Director of Central Intelligence and authorizes him to "undertake such basic research and analysis of intelligence and counter-intelligence raw information as may in his opinion be required" and to centralize the "research and analysis activities of common intelligence interest to more than one agency." The phrase "research and analysis activities of common intelligence interest" is not defined in the proposed directive. The discussion, however, indicates that those activities include at least "economics, science, biography, geography, sociology, etc." The discussion adds "in many of these fields the national security requires that basic research and analysis activities be centralized so as to serve the intelligence agencies subject to CIA coordination."

(2) It should be noted that "political" intelligence has not been expressly included in the activities of common intelligence interest. This raises the problem as to the feasibility of separating political intelligence from economic, biographic, geographic and sociological intelligence.

(3) Another major issue arises on the question of the Department of State's surrendering responsibility for basic research and analysis in those segregated fields of intelligence and relying exclusively upon an independent agency operating outside the structure of any Department and reporting only to the National Intelligence Authority. This issue is emphasized by the apparent conflict between the proposed directive and paragraph 6 of the President's letter.

(4) The motivation for this departure from past practices is set forth in the discussion, in the following terms:

"Paragraph 3a of the President's letter makes the Director of Central Intelligence responsible for the correlation, evaluation and dissemination of strategic and national policy intelligence relating to the national security.... This means that the Director of Central Intelligence is responsible for the accuracy, adequacy and timeliness of intelligence required for the national security. To discharge his responsibilities, the Director of Central Intelligence should not be required to rely solely upon evaluated intelligence from the various Departments."

-3-

UNCLASSIFIED

UNCLASSIFIED

INT 688 /4

A question arises as to whether the reasons thus stated for the proposed directive accord with the terms and intent of paragraphs 3a and 6 of the President's letter or, on the contrary, constitute a reversal of his policy.

(5) The proposal for expanding the functions of the Director of Central Intelligence contemplates that "existing organizations of the State, War and Navy Departments, including their funds, personnel and facilities, performing those functions [i.e., research and analysis activities of common intelligence interest to more than one agency], will be integrated into the Central Intelligence Group...." This raises the problem as to what parts, if any, of the Department undertake research and analysis activities of common intelligence interest to other Departments and, consequently, what parts would be subject to transfer to the Director. Presumably the following elements of the Department, at least, might be affected: A-D, A-Br, A-C, A-R and SA-L.

4. a. Paragraph 3b of the President's letter reads as follows:

"b. Plan for the coordination of such of the activities of the Intelligence agencies of your Departments as relate to the National security and recommend to the National Intelligence Authority the establishment of such over-all policies and objectives as will assure the most effective accomplishment of the national intelligence mission."

b. The proposed NIA directive redefining those functions reads as follows:

"In addition to the functions specified in paragraph 3b of the President's letter, the Director of Central Intelligence is hereby directed to act as the executive agent of this Authority in coordinating and supervising all Federal foreign intelligence activities related to the national security in accordance with the over-all policies and objectives established by this Authority."

c. In accordance with the letter of the President the executive power for implementing the over-all policies and objectives established by the National Intelligence Authority presumably rests for each of the Departments with the Secretary or his duly authorized

-4-

UNCLASSIFIED

UNCLASSIFIED

INT 682/5

representative within the Department. The redefinition of functions contemplates that the normal chain of command within each Department, to execute policies mutually agreed upon with other Departments, shall be superseded for same purposes by a new chain of command heading up to the Director of Central Intelligence. The new chain of command presumably would apply to all intelligence activities that may be related to the national security and made the subject of over-all policies and objectives by the National Intelligence Authority.

5. a. Paragraph 3c of the President's letter of January 22 reads as follows:

"c. Perform, for the benefit of said intelligence agencies, such services of common concern as the National Intelligence Authority determines can be more efficiently accomplished centrally."

b. The proposed NIA directive redefining the functions of the Director of Central Intelligence reads as follows:

"4. Pursuant to paragraph 3c of the President's letter, the Director of Central Intelligence is hereby directed to perform the following services of common concern which this Authority has determined can be more efficiently accomplished centrally:

"a. Conduct of all Federal espionage and counter-espionage operations for the collection of foreign intelligence information required for the national security.

"b. Conduct of all Federal monitoring of press and propaganda broadcasts of foreign powers required for the collection of intelligence information related to the national security."

c. Attention is invited to the omission of any restriction upon the conduct of espionage and counter-espionage operations within the United States. A question thus arises as to whether the national security includes internal security. Paragraphs 4 and 9 of the President's letter, which are pertinent to this question, read as follows:

UNCLASSIFIED

UNCLASSIFIED

INT 688/6

"4. No police, law enforcement or internal security functions shall be exercised under this directive.

"9. Nothing herein shall be construed to authorize the making of investigations inside the continental limits of the United States and its possessions, except as provided by law and Presidential directives."

6. a. Paragraph 5 of the proposed NIA directive reads as follows:

"5. To the extent of available appropriations and within the limits of their capabilities, the State, War and Navy Departments will make available to the Director of Central Intelligence, upon his request, the necessary funds, personnel, facilities and other assistance required for the performance of the functions authorized herein. At the earliest practicable date, the Director of Central Intelligence will submit for approval by this Authority any supplemental budget required to perform the functions authorized herein, in addition to the appropriations available for this purpose in the State, War and Navy Departments."

b. It should be noted that the Director is to be authorized to submit budgets to the National Intelligence Authority which shall be in addition to the appropriations available from the State, War and Navy Departments. It is not explained under what authority this supplemental budget will be obtained or to what appropriation it will be charged. Legislation might have to be enacted for the purpose of giving the NIA an independent budget distinct from the budgets of the State, War and Navy Departments.

7. a. Paragraph 6 of the proposed NIA directive reads as follows:

"6. Where the performance of functions authorized herein requires the liquidation, transfer or integration of funds, personnel or facilities for existing activities of the State, War and Navy Departments, the liquidation, transfer or integration will be accomplished at the earliest practicable date by mutual agreement between the Director of Central Intelligence and the official now responsible for such activities so as to involve a minimum of interruption in the performance of these functions."

-6-

UNCLASSIFIED

UNCLASSIFIED

INT 688/7

b. This provision should be read in the light of paragraphs 2 and 5 of the proposed directive, which delegate authority to the Director to determine in his discretion which research and analysis activities of the State, War and Navy Departments are of common interest and therefore subject to liquidation, transfer or integration of funds, personnel or facilities. Possibly the requirement for mutual agreement with the "official now responsible for such activities" in implementing any such determination refers only to the technical aspects of the liquidation, transfer or integration.

8. The foregoing analysis indicates that the proposed NIA directive (a) probably conflicts with certain provisions of the President's letter of January 22, 1946, and (b) may require enabling legislation to implement some of its provisions. As matters now stand it would seem advisable for the Department to obtain legal advice as to the authority of its representative on the Intelligence Advisory Board to concur in the recommendation that such a directive be issued by the NIA.

Att.: *abw* 1/13/71
TABS A,B,C

-7-

UNCLASSIFIED

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THE WHITE HOUSE

INT 688/8

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Washington

January 22, 1946

To The Secretary of State,
The Secretary of War, and
The Secretary of the Navy.

1. It is my desire, and I hereby direct, that all Federal foreign intelligence activities be planned, developed and coordinated so as to secure the most effective accomplishment of the intelligence mission related to the national security. I hereby designate you, together with another person to be named by me as my personal representative, as the National Intelligence Authority to accomplish this purpose.

2. Within the limits of available appropriations, you shall each from time to time assign persons and facilities from your respective Departments, which persons shall collectively form a Central Intelligence Group and shall, under the direction of a Director of Central Intelligence, assist the National Intelligence Authority. The Director of Central Intelligence shall be designated by me, shall be responsible to the National Intelligence Authority, and shall sit as a non-voting member thereof.

3. Subject to the existing law, and to the direction and control of the National Intelligence Authority, the Director of Central Intelligence shall:

a. Accomplish the correlation and evaluation of intelli-

UNCLASSIFIED

UNCLASSIFIED

INT 6881

gence relating to the national security, and the appropriate dissemination within the Government of the resulting strategic and national policy intelligence. In so doing, full use shall be made of the staff and facilities of the intelligence agencies of your Departments.

b. Plan for the coordination of such of the activities of the intelligence agencies of your Departments as relate to the national security and recommend to the National Intelligence Authority the establishment of such over-all policies and objectives as will assure the most effective accomplishment of the national intelligence mission.

c. Perform, for the benefit of said intelligence agencies, such services of common concern as the National Intelligence Authority determines can be more efficiently accomplished centrally.

d. Perform such other functions and duties related to intelligence affecting the national security as the President and the National Intelligence Authority may from time to time direct.

e. No police, law enforcement or internal security functions shall be performed under this directive.

f. Such intelligence received by the intelligence agencies of your Departments as may be designated by the National Intelligence Authority shall be freely available to the Director of Central Intelligence for correlation, evaluation or dissemination. To the extent approved by the National Intelligence Authority, the operations of

UNCLASSIFIED

1-11

UNCLASSIFIED

INT 688/1

said intelligence agencies shall be open to inspection by the Director of Central Intelligence in connection with planning functions.

6. The existing intelligence agencies of your Departments shall continue to collect, evaluate, correlate and disseminate departmental intelligence.

7. The Director of Central Intelligence shall be advised by an Intelligence Advisory Board consisting of the heads (or their representatives) of the principal military and civilian intelligence agencies of the Government having functions related to national security, as determined by the National Intelligence Authority.

8. Within the scope of existing law and Presidential directives, other departments and agencies of the executive branch of the Federal Government shall furnish such intelligence information relating to the national security as is in their possession, and as the Director of Central Intelligence may from time to time request pursuant to regulations of the National Intelligence Authority.

9. Nothing herein shall be construed to authorize the making of investigations inside the continental limits of the United States and its possessions, except as provided by law and Presidential directives.

10. In the conduct of their activities the National Intelligence Authority and the Director of Central Intelligence shall be responsible for fully protecting intelligence sources and methods.

Sincerely yours,

HARRY S. TRUMAN

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ENCLOSURE "A"
NATIONAL INTELLIGENCE AUTHORITY

D R A F T

PROPOSED N.I.A. DIRECTIVE

FUNCTIONS OF THE DIRECTOR OF CENTRAL INTELLIGENCE

Pursuant to the President's letter of 22 January 1946 designating this Authority as responsible for planning, developing and coordinating all Federal foreign intelligence activities so as to ensure the most effective accomplishment of the intelligence mission related to the national security, the functions of the Director of Central Intelligence are hereby redefined as follows, subject to the provisions of said letter:

1. Paragraph 3 of the President's letter of 22 January 1946 defined the functions of the Director of Central Intelligence as follows:

"3. Subject to the existing law, and to the direction and control of the National Intelligence Authority, the Director of Central Intelligence shall:

"a. Accomplish the correlation and evaluation of intelligence relating to the national security, and the appropriate dissemination within the Government of the resulting strategic and national policy intelligence. In so doing, full use shall be made of the staff and facilities of the intelligence agencies of your departments/

UNCLASSIFIED

[REDACTED] UNCLASSIFIED

-2-

INT 6881

"b. Plan for the coordination of such of the activities of the Intelligence agencies of your departments as relate to the national security and recommend to the National Intelligence Authority the establishment of such over-all policies and objectives as will assure the most effective accomplishment of the national intelligence mission.

"c. Perform, for the benefit of said intelligence agencies, such services of common concern as the National Intelligence Authority determines can be more efficiently accomplished centrally.

"d. Perform such other functions and duties related to intelligence affecting the national security as the President and the National Intelligence Authority may from time to time direct."

2. In performing the functions specified in paragraph 3-a of the President's letter, the Director of Central Intelligence is hereby authorized to undertake such research and analysis as may be necessary to determine what functions in the fields of national security intelligence are not being presently performed or are not being adequately performed. Based upon these determinations, the Director of Central Intelligence may centralize such research and analysis activities as may, in his opinion and that of the appropriate member or members of the Intelligence Advisory Board, be more efficiently or effectively accomplished centrally.

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UNCLASSIFIED

UNCLASSIFIED

INT 688

-3-

3. In addition to the functions specified in paragraph 3-b of the President's letter and in accordance with paragraph 4 of the N.I.A. Directive No. 1, the Director of Central Intelligence is hereby directed to act as the agent of this Authority in coordinating all Federal foreign intelligence activities related to the national security to ensure that the over-all policies and objectives established by this Authority are properly implemented and executed.

4. Pursuant to paragraph 3-c of the President's letter, the Director of Central Intelligence is hereby directed to perform the following services of common concern which this Authority has determined can be more efficiently accomplished centrally:

a. Conduct of all organized Federal espionage and counter-espionage operations outside the United States and its possessions for the collection of foreign intelligence information required for the national security.

b. Conduct of all Federal monitoring of press and propaganda broadcasts of foreign powers required for the collection of intelligence information related to the national security.

5. To the extent of available appropriations and within the limits of their capabilities, as determined by the respective Departments, the State, War and Navy Departments will make available to the Director of Central Intelligence, upon his request, the funds, personnel,

UNCLASSIFIED

UNCLASSIFIED

facilities and other assistance required for the performance of the functions authorized herein. At the earliest practicable date, the Director of Central Intelligence will submit for approval by this Authority any supplemental budget required to perform the functions authorized herein, in addition to the appropriations which can be made available for this purpose by the State, War and Navy Departments.

6. Where the performance of functions authorized herein requires the liquidation, transfer or integration of funds, personnel or facilities for existing activities of the State, War and Navy Departments, the liquidation, transfer or integration will be accomplished at the earliest practicable date as agreed to by the Director of Central Intelligence and the official responsible for such activities so as to involve a minimum of interruption in the performance of these functions.

Approved by
Acting Secretary
Acheson on my
recommendation
William F. Tanager
28 June 1946

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